

**REMARKS**

Claims 11-17 and 21 are pending in the application, and have all been rejected in the 3/13/07 Advisory Action. Moreover, the amendments to the claims made in the 2/16/07 Reply to the 12/18/07 Final Office Action were not entered. Accordingly, the claims addressed herein correspond to the status of the claims as set forth in the 9/22/06 Reply to the 7/3/06 Office Action. Of these claims, claims 11, 14, 16 and 21 are amended herein, while claims 12 and 17 are cancelled herein (with the subject matter of claim 17 amended into independent claim 11 herein). Reconsideration of the application is respectfully requested in light of the above amendments and following remarks.

**I. (IN)APPROPRIATENESS OF FINAL OFFICE ACTION**

It is respectfully submitted that the designation of the 12/18/07 Office Action as a Final Office Action was not appropriate because claim 17 has yet to be examined. In particular, claim 17 was presented in the application filed on 9/8/03. Claim 17 was rejected under 35 USC § 112, second paragraph, as being indefinite in the 7/3/06 Office Action. Accordingly, claim 17 was subsequently amended in the 9/22/06 Reply to the 7/3/06 Office Action to remedy said indefiniteness. Claim 17 was not, however, thereafter examined in the 12/18/06 Office Action which was deemed Final. Accordingly, since claim 17 has yet to be substantively examined, it is respectfully submitted that the designation of the 12/18/06 Office Action as a Final Office Action is not appropriate. It is thus respectfully requested that prosecution on the merits be re-opened for this matter. Further, while claim 17 is cancelled herein, the subject matter of claim 17 is amended into independent claim 11 herein. And, since claim 17 was included in the application as originally filed on 9/8/03, no new matter is added by this amendment.

**II. REJECTION OF CLAIM 12 UNDER 35 USC § 112**

In the 12/18/06 Office Action, claim 12 was rejected under 35 USC § 112, second paragraph, for lacking antecedent basis. Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 12 is cancelled herein.

Withdrawal of this rejection is therefore respectfully requested.

**III. REJECTION OF CLAIMS 11-15 AND 21 UNDER 35 U.S.C. §102(b)**

In the 12/18/06 Office Action, claims 11-15 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,431,030 to Edwards.

Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 12 is cancelled herein.

Independent claim 11 has been amended herein to include substantially all of the limitations of claim 16 and the limitations of claim 17. More particularly, independent claim 11 now provides that the second fastening means comprises at least one button secured to an inside of the body of the sack, at least one button secured to an outside of the body of the sack, at least one button hole substantially opposite the at least one button secured to the inside of the body of the sack for fasteningly accommodating the at least one button secured to the inside of the body of the sack and at least one button hole substantially opposite the at least one button secured to the outside of the body of the sack for fasteningly accommodating the at least one button secured to the outside of the body of the sack, where the outside of the body of the sack includes a first pattern and the inside of the body of the sack includes a second pattern, and the at least one button secured to the outside of the body of the sack corresponds to the first pattern and at least one button secured to the inside of the body of the sack corresponds to the second pattern (see Fig. 3 of application).

It is respectfully submitted that the suggested combination of Edwards in view Berkowitz does not teach these features. In particular, neither of these references mentions buttons, button holes, patterns or buttons corresponding to patterns. It is thus

respectfully submitted that independent claim 11 as amended is allowable over both Edwards and Berkowitz. Claims 13-15 and 21 depend from claim 11 and thus are also allowable. Withdrawal of this rejection is therefore respectfully requested.

**IV. REJECTION OF CLAIM 16 UNDER 35 U.S.C. §103**

In the 12/18/06 Office Action, claim 16 was rejected under 35 U.S.C. § 103 as being unpatentable over Edwards in view U.S. Patent No. 1,587,891 to Berkowitz. Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 16 depends from claim 11 and Berkowitz fails to make up for the aforementioned deficiencies of Edwards. Withdrawal of this rejection is therefore respectfully requested.

V. CONCLUSION

The undersigned would like to thank Examiners Grosso and Stashick for the telephone conversations on March 19, 2007 related to this matter. Should they feel that another discussion would be helpful to facilitate favorable prosecution of the above-identified application, they are invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 50-1733, SHENP101US.

Respectfully submitted,  
ESCHWEILER & ASSOCIATES, LLC

By William J. Cooper  
William J. Cooper  
Reg. No. 44,629

National City Bank Building  
629 Euclid Avenue, Suite 1210  
Cleveland, Ohio 44114  
(216) 502-0600

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper or item referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date March 19, 2007

Christine Gillroy  
Christine Gillroy